

PLANNING BOARD RESOLUTION 2011- 037

**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING A
CONDITIONAL USE APPROVAL FOR A
RESTAURANT LOCATED AT 529 UNITED
STREET (RE# 00028790-000100) IN THE
HISTORIC NEIGHBORHOOD COMMERCIAL
(HNC-1) ZONING DISTRICT, PURSUANT TO
SECTION 122-808(13) OF THE CODE OF
ORDINANCES, KEY WEST FLORIDA;
PROVIDING FOR AN EFFECTIVE DATE.**

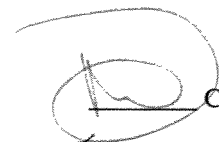

WHEREAS, the subject property is located in the Historic Neighborhood Commercial (HNC-1) zoning district; and

WHEREAS, Section 122-808(13) of the Code of Ordinances provides that restaurants are allowed as a conditional use within the Historic Neighborhood Commercial (HNC-1) zoning district; and

WHEREAS, Section 122-61 of the Code of Ordinances allows applicants to request a conditional use approval; and

WHEREAS, the applicant filed a conditional use application for a restaurant at 529 United Street; and

WHEREAS, Section 122-62 outlines the criteria for reviewing a conditional use application


Chairman

Planning Director

by the Planning Board; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 21, 2011; and

WHEREAS, the Planning Board found that the proposed use complies with the criteria in Section 122-62; and

WHEREAS, the approval of the conditional use application will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as fully set forth herein.

Section 2. That a conditional use request, under the Code of Ordinances of the City of Key West, Florida, per Section 122-808(13) is hereby approved as follows: allowing for 194 square foot consumption area for a restaurant including, 40 square feet of outdoor and 154 square feet of indoor

consumption area, for property located at 529 United Street (RE# 00028790-000100), Key West, Florida, as shown in the attached floor plan dated July 15, 2011.

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This conditional use approval does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications

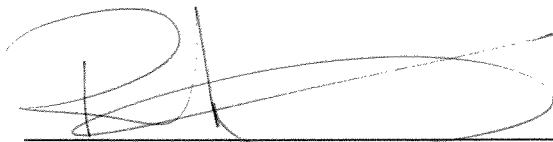
 Chairman
 Planning Director

attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Section 7. The applicant shall obtain and maintain a Conditional Approval Permit from the City prior to issuance of a Certificate of Occupancy per Ordinance Number 10-22.

Read and passed on first reading at a regular meeting held this 21st day of July, 2011.

Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman
Key West Planning Board

7/28/2011

Date

Attest:



Chairman



Planning Director



Donald Leland Craig, AICP
Planning Director

2-25-11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

7/31/11

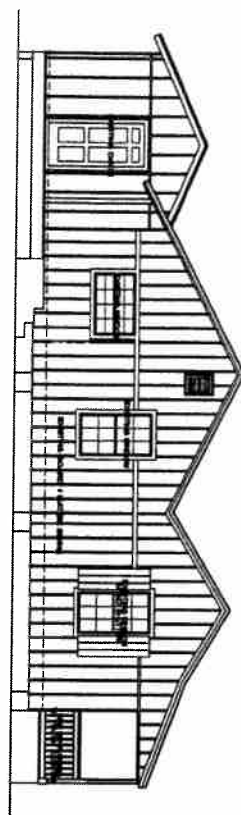
Date



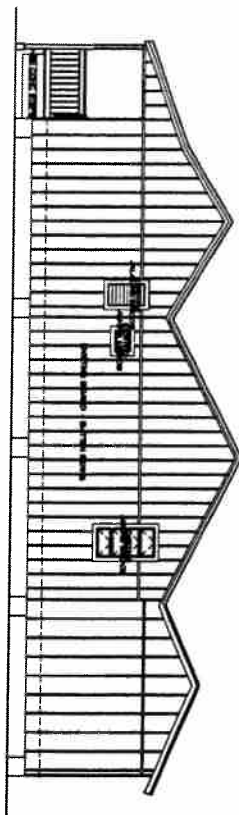
Chairman



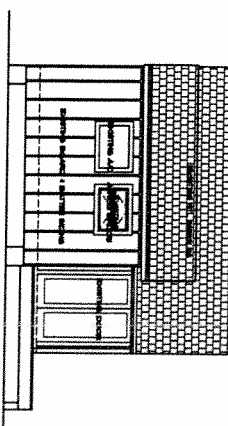
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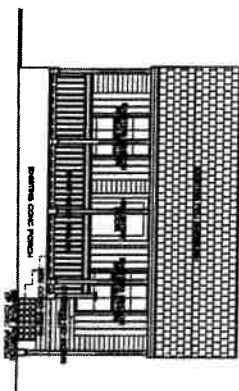
Left Side Elevation



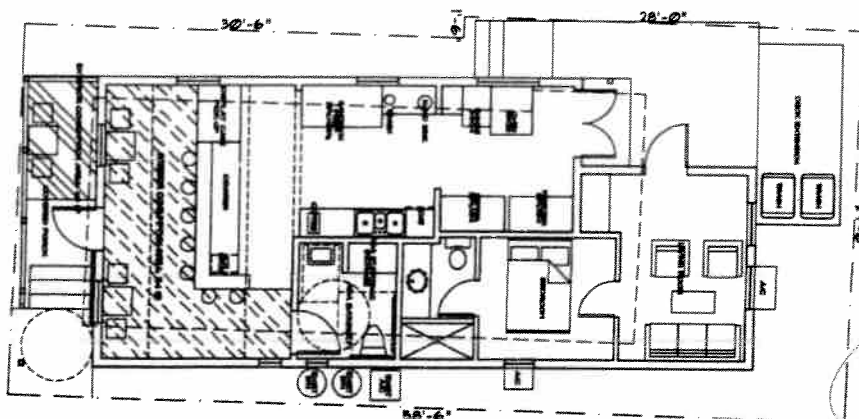
Right Side Elevation



Rear Elevation



Front Elevation



Proposed Floor Plan

INTERIOR CONSTRUCTION AREA: 154 SF
EXTERIOR CONSTRUCTION AREA: 40 SF
PREPARED CONSTRUCTION AREA: 154 SF

date: 3/24/11
revision: 3/24/11
7/25/11

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529 United Street

629 United St

Key West, FL

A1